



Docket No. 34111 US NATL
10/590,561

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James Cove
U.S. Application No.: 10/590,561
Filed : August 24, 2006
Title : "PUSH BUTTON ASSEMBLY"
Art Unit : 2832
Conf. No. : 8580
Customer No. : 29669
Attorney Docket No. : 34111 US

Lowell, Massachusetts
December 2, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited by way of First Class Mail, in the United States Postal Service addressed to the Commissioner of Patents, Group 2832, P.O. Box 1450, Alexandria, Virginia 22313-1450, December 2, 2009.

Walter F. Dawson
WALTER F. DAWSON, Attorney,
Reg. No. 30,046

December 2, 2009

Commissioner for Patents - Group 2832
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

REQUEST FOR STATUS OF PATENT APPLICATION

Applicants are requesting the status of the above-identified patent application.

The Applicant's Attorney's records in the above-identified application indicate that to date the application has not been examined, and that a first Office Action has

not been received from the United States Patent and Trademark Office.

The Applicant's Attorney's records show that the application was filed by Applicant's Attorney on August 24, 2006. An Information Disclosure Statement was filed on November 21, 2006 and a Supplemental Information Disclosure was filed on February 5, 2007. A Notification of Missing Requirements under 35 U.S.C. in the United States Designated/Elected Office (DO/EO/US) was mailed by the USPTO on April 18, 2007, and a Response was filed by Applicant's Attorney on May 10, 2007.

On August 28, 2007, Applicant's Attorney filed a Request for Status of Patent Application and received no response from the USPTO.

Applicant's Attorney filed a Supplemental Preliminary Amendment with the USPTO on October 31, 2007 to reduce the number of Claims from 38 to 25 pursuant to the new "5/25" rule issued by the USPTO and scheduled to take effect on November 1, 2007 and which were to apply to any pending patent applications that have not received a First Office Action, as is the case with this application. However, the "5/25" rule was enjoined from taking effect by a U.S. Federal Court pending hearings.

On November 27, 2007, Applicant's Attorney filed a second Request for Status of Patent Application inquiring as to when a first Office Action might be expected, but no response was received.

A Filing Receipt and a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 issued in this case on December 26, 2007.

On January 25, 2008, Applicant's Attorney filed a third Request for Status of Patent Application and on March 11, 2008, the U.S. Patent and Trademark Office forwarded a Form PTOLFA1 stating that it was estimated that this application would receive an Office action in approximately 15 months, which would have been April, 2009. To date we have received no Office Action.

The application was published on March 27, 2008.

The USPTO Private Pair website (Transaction History) indicates that IFW TSS Processing by Tech Center was completed on July 1, 2008, and the application was docketed to an Examiner in GAU on July 22, 2008. There is no action shown in the Transaction History until the application was again docketed to an Examiner in GAU on May 28, 2009.

Applicant's Attorney has attempted to contact Examiner Friedhofer (listed as the Examiner on Private PAIR) by telephone on at least three (3) separate occasions since November 12, 2009, but has been unsuccessful and has received no return call as requested.

As reiterated by Applicant's attorney in the previous Status Inquiry Letters, our client is very concerned about a Spanish-based company that it believes is exporting infringing products to a U.S. based company and offering the infringing products for sale in the United States.

It is hereby again requested that the United States Patent and Trademark Office provide Applicant's Attorney with the status of this application and also provide an estimated date for issuance of a first Office Action or Notice of Allowance.

Respectfully Submitted,
PEARSON & PEARSON, LLP
By

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